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| 10/582,186 | 07/23/2007 | Angel Palacios Orueta | U 016338-7 | 8847 |
| 140 | 7590 | 06/23/2011 | EXAMINER | |
| LADAS & PARRY LLP 1040 Avenue of the Americas NEW YORK, NY 10018-3738 | | | UTAMA, ROBERT J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3715 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/582,186 | Applicant(s) PALACIOS ORUETA, ANGEL | |
| | Examiner ROBERT J. UTAMA | Art Unit 3715 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,16,18,22,24-27,37,41,42,44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,16,18,22,24-27,37,41,42,44 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Status of the application

1. This office action is a response to the amendment and arguments submitted on 04/12/2011. The current statuses of the claim in the application are as follows: claims 1, 4-7, 16, 18, 22, 24-27, 37, 41-42, 44-45 are still pending and claims 2-3, 8-15, 17, 19-21, 23, 28-36, 38-40, 43, 46 have been cancelled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The following is a quotation of the fourth paragraph of 35 U.S.C. 112:

Subject to the [fifth paragraph of 35 U.S.C. 112], a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

5. Claims 1, 4-7, 16, 18, 41 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation of claims 1, 4-7, 16, 18, 41 and 44 contains limitation that can be interpreted under 35 U.S.C. 112, sixth paragraph, means-plus-function limitation. In claim 1, the means plus language of element (c) has been modified by sufficient structure (a display). As such, the examiner is not clear if the applicant intends to invoke the mean-plus-function language. In order to employ mean plus function language in a claim, one must set forth in the specification an adequate disclosure showing adequate

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structure (or material or acts) for performing the recited functions (see MPEP 2181 part II). In this particular case, the specification as originally filed failed to provide the structure and mean to perform the function of identifying and selecting the minimal chosen phrase (claim 4), collapsing or expanding chosen phrase (claim 5) and means for replacing words (claim 11). The specification provided also fails to provide adequate disclosure for performing the function of " means to adjust vertical position of the graphical characters that correspond to a group of words which are located to between two words of said language sample."

6. Claims 41-42 and 44-45 are also rejected under 35 U.S.C 112, fourth paragraph, as they fail to further limit the parent claims. Claims 41-42 and 44-45 are dependants upon claims 1 and 22, however, claims 41-42 and 44-45 fails to further limit the parent claims. Instead, the limitations of claims 41-42 and 44-45 enlarge the scope of claims 1 and 22.

7. Claims 1, 4-7, 16, 18, 22, 24-27, 37, 41-42, 44-45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In this particular case, the specification and the application as originally filed do not provide written description support for having an group of words called internal phrase and applying the previous means to the words of phrase called "increasing the presentation level of said phrase".

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. **Claims 1, 4-7, 16, 18, 22, 24-27, 37, 41-42, 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sameth US 5,697,789 and in view of Walker US 7,036,075**

Claim 1: The Sameth reference provides a teaching of system that facilitates the comprehension of a target language wherein said target language is a foreign language (see col. 2:10-15) or a native language to a user. The examiner notes that native language (or L1 or arterial language or mother tongue) is something a user or an individual inherently possess. As such, any language is either a foreign language or a user native language. said system is applied over one or more samples of such target language, said system is embodied in at least one computerized system, and said system comprises the following means: a data store that contains at least one sample of said target language (see col. 7:50-55 and col. 8:55-60); a processing unit with means to query said data store (see col. 3:60-63); means to present said language sample in a display by using graphical characters (see FIG. 7); the graphical structure that is presented to the user in said display (see col. 8:50-55 "dialog balloon"); the end result facilitates the comprehension of the structure of said language sample, facilitates the comprehension of the meaning of said language sample, and also facilitates learning said language when learning is sought by the user (see col. 2:23-27).

The Sameth reference is silent with respect to the limitation of means to adjust a vertical position of the graphical characters that correspond to a group of words which are located between two words of said language sample, said group of words being called an "internal phrase", so that a vertical position of said graphical characters that correspond to the words of said internal phrase is different from the vertical position that they would have had if said graphical character would have been presented in a standard word-by-word and line-by-line text arrangement. However, the Walker reference provides a teaching of means to adjust a vertical position of the graphical characters that correspond to a group of words which are located between two words of said language sample (see col. 8:35-55), so that a vertical

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position of said graphical characters that correspond to the words of said internal phrase is different from the vertical position that they would have had if said graphical character would have been presented in a standard word-by-word and line-by-line text arrangement (see col. 15:34-50 "mini phrase" and "super phrase").

Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of means to adjust a vertical position of the graphical characters that correspond to a group of words which are located between two words of said language sample, so that a vertical position of said graphical characters that correspond to the words of said internal phrase is different from the vertical position that they would have had if said graphical character would have been presented in a standard word-by-word and line-by-line text arrangement, as taught by Walker, in order to break up the sentence into manageable phrases (see col. 10:20-25).

While the Sameth and Walker references do not provide a teaching of naming or calling the term "internal phrase" and "increasing the presentation level" and "escalator tree"; At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide a name to certain phrases provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected the name of the phrase, and applicant's invention, to perform equally well with either name.

Therefore, it would have been prima facie obvious to modify Sameth and Walker to obtain the invention as specified in claim 1 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Sameth and Walker.

Claims 4 and 24: The Sameth reference provides a teaching of means of identifying and selecting the minimal chosen phrase of a position where the minimal chosen phrase of a

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position is the chosen phrase that covers that position and that does not contain any other chose phrase that covers that position (see col. 2:15-25).

Claims 5 and 25: The Sameth reference provides a teaching of one of said perspective comprises means to identify and select the chose phrase that is parent of the chosen phrase that is selected at a given moment (see col. 4:35-55).

Claims 6 and 26: The Sameth reference provides a teaching of comprising means for collapsing produces the effect that the collapsed phrase has reduces the presentation level of at least one of its embedded phrases, wherein reducing the presentation level means to remove said group of characters and insert back said words of a phrase that were removed, and said expanding produces the effect that the chosen phrase increase the presentation level of at least one of its imbedded phrases (see col. 7:50-60).

Claims 7 and 27: The Sameth reference provides a teaching that it is possible to enable and disable different types of phrases, where such disabling produces the effect that said chosen phrases that are disabled do not appear as phrases in said perspectives even though they are assigned an embedding level (see col. 8:20-25).

Claims 16: The Sameth reference fails to provide a teaching of escalator tree is built by using computer text controls that contain full language sample, said text control placed in vertical fashion in the window so that the there exist at least as many control as presentation level, and wherein some group of words in the some control have the same color as the background color, so that they give the impression that said groups of words do not exist thereby producing the effect that some words have a different level than other words. However, the Walker reference escalator tree is built by using computer text controls that contain full language sample, said text control placed in vertical fashion in the window so that the there exist at least as many control as presentation level, and wherein some group of words in the some control have the same color as the background color, so that they give the impression that said groups of words do not exist thereby producing the effect that some words have a different level than other

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words (see FIG 11 item 200, 202, and 203). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of escalator tree is built by using text controls that represents the same text fragment, so that they give the impression that said groups of words do or do not exist, as taught by Walker, in order to break up the sentence into more manageable phrases (see col. 10:20-25).

Claims 18 and 37: The Sameth fails to provide a teaching wherein the levels of the words in the escalator tree are codified by the utilization of special delimiter characters in said text fragment, so that some characters indicate a change of level, and others do not indicate a change of level, where there might be different types of delimiter characters if it necessary to indicate level changes that have different magnitudes. The Walker reference provides a teaching of wherein the levels of the words in the escalator tree are codified by the utilization of special delimiter characters in said text fragment, so that some characters indicate a change of level, and others do not indicate a change of level, where there might be different types of delimiter characters if it necessary to indicate level changes that have different magnitudes (see col. 15:35-50). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of wherein the levels of the words in the escalator tree are codified by the utilization of special delimiter characters in said text fragment, so that some characters indicate a change of level, and others do not indicate a change of level, where there might be different types of delimiter characters if it necessary to indicate level changes that have different magnitudes, as taught by Walker, in order to break up the sentence into more manageable phrases (see col. 10:20-25).

Claims 41-42 and 45-46: The Sameth reference provides a teaching of a data collection and computer program that implement the system of claim 1, 22 (see col. 5:20-25).

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Response to Arguments

10. Applicant's arguments filed 04/12/2011 have been fully considered but they are not persuasive.

11. Claim 1-21 were rejected under 35 U.S.C 112, second paragraph, because of the use of the limitation "for example" and "can be". Applicant's amendments on claim 1 are sufficient to overcome the rejection.

12. Claims 4-6 are rejected under 35 U.S.C 112, second paragraph; the limitation of claim 4-6 were presented under claim limitations that invokes 35 U.S.C. 112, sixth paragraph. 35 U.S.C. 112, sixth paragraph states that a claim limitation expressed in means-plus-function language "shall be construed to cover the corresponding structure...described in the specification and equivalents thereof." "If one employs means plus function language in a claim, one must set forth in the specification an adequate disclosure showing what is meant by that language. However, the specification provided by the applicant does not show any structure that is capable of performing the function of claim 4-6.

13. Applicant's arguments with respect to claims 1, 4-7 , 16, 18, 22, 24-27, 37, 41-42, 44-45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on 9-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./
Examiner, Art Unit 3715

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715